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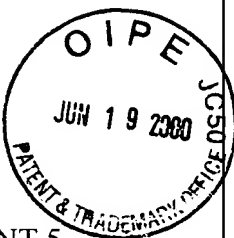
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Gerard F. Barry et al.

Serial No.: 09/464,099

Filed: December 16, 1999

For: GLYPHOSATE-TOLERANT 5-
ENOLPYRUVYLSHIKIMATE-3-
PHOSPHATE SYNTHASES



Group Art Unit: 1644

Examiner: G. Ewoldt

Atty. Dkt. No.: MOBT:175--2/RAN

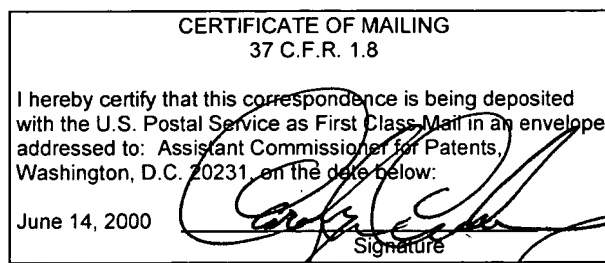
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**AMENDMENTS AND REMARKS IN RESPONSE TO
OFFICE ACTION DATED MAY 22, 2000**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:



In response to the Office Action dated May 22, 2000, having a shortened statutory period for response expiring June 22, 2000, Applicants submit the following amendments and remarks.

REMARKS

Of the 8 original claims, claims 105-106 have been withdrawn from consideration. With this response, claims 100-104 and 107 are now pending. Applicants do not believe that any fees are due at this time; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Assistant Commissioner is authorized to deduct the fees from Arnold, White & Durkee Deposit Acct. No. 01-2508/MOBT175--2/RAN.

I. Restriction requirement

The Examiner required restriction under 35 U.S.C. § 121 to either:

Group 1: Claims 100-104 and 107 drawn to "drawn to an antibody and a kit;" or

Group 2: Claims 105-106 drawn to "a method of detecting an enzyme;"

Applicants elect to continue prosecution of Group I, claims 100-104 and 107. Please withdraw claims 105 and 106 from consideration at this time.

II. Election of species

The Examiner contends that claim 1 is generic to a number of sequences that may provide different antibody reactivity to the enzyme. Specifically, the Examiner notes that the degenerate positions in the claimed sequence domains may alter the immunogenic properties of the enzyme. Consequently, the Examiner requires an election of a specific 5-enolpyruvylshikimate-3-phosphate synthase sequence with which the claimed antibody is immunoreactive. Applicants hereby elect the 5-enolpyruvylshikimate-3-phosphate synthase enzyme indicated in SEQ ID NO:3. Claims 100-104 and 107 each read on the elected species.

The Examiner is encouraged to call the undersigned should any further action be required for allowance.

Respectfully submitted,



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June 14, 2000